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| 1  | BARRY J. PORTMAN   |        |                          |                                 |  |
|----|--|--------|--------------------------|---------------------------------|--|
| 2  | Federal Public Defender LARA S. VINNARD  |        |                          |                                 |  |
| 3  | Assistant Federal Public Defender<br>160 West Santa Clara Street, Suite 575                        |        |                          |                                 |  |
| 4  | San Jose, CA 95113<br>Telephone: (408) 291-7753  |        |                          |                                 |  |
| 5  | Counsel for Defendant FITZGERALD   |        |                          |                                 |  |
|    | Counsel for Defendant FITZGERALD   |        |                          |                                 |  |
| 6  | IN THE UNITED STATES DISTRICT COURT  |        |                          |                                 |  |
| 7  | FOR THE NORTHERN DISTRICT OF CALIFORNIA  |        |                          |                                 |  |
| 8  | SAN  | JOSE I | DIVISION                 | *E-FILED - 5/19/06*             |  |
| 9  | UNITED STATES OF AMERICA,  | )      | No. CR 06-               | 0074 RMW                        |  |
| 10 | Plaintiff,   | )      | STIPULAT                 | TION TO CONTINUE                |  |
| 11 | v.   | )      | HEARING<br>TIME; OF      | DATE AND EXCLUDE                |  |
| 12 | JAMES FITZGERALD,  | )<br>) | ,                        |                                 |  |
| 13 | Defendant.   | )      |                          |                                 |  |
| 14 | ——————————————————————————————————————   |        |                          |                                 |  |
| 15 | Defendant and the government, through their respective counsel, hereby stipulate that,             |        |                          |                                 |  |
| 16 | subject to the Court's approval, the hearing date in this matter should be moved from May 15 to    |        |                          |                                 |  |
| 17 | June 12, 2006, at 9:00 a.m., or as soon thereafter as the hearing may be set. The defense requests |        |                          |                                 |  |
| 18 | the continuance because defense is continuing to review discovery and conduct investigation, and   |        |                          |                                 |  |
| 19 | has requested additional information from government counsel that should be provided shortly.      |        |                          |                                 |  |
| 20 | The parties further agree that time should be excluded under the Speedy Trial Act in light         |        |                          |                                 |  |
| 21 | of the need for defense preparation, and because the ends of justice outweigh the defendant's and  |        |                          |                                 |  |
| 22 | the public's need for a speedy trial.  |        |                          |                                 |  |
| 23 | Dated: 5/11/06   |        | /S/                      |                                 |  |
| 24 |  |        | LARA S. V<br>Assistant F | Sederal Public Defender         |  |
| 25 | Dated: 5/11/06   |        | /s/_                     | A.V. C.V.M.                     |  |
| 26 |  |        | SUSAN K<br>Assistant U   | NIGHT<br>Jnited States Attorney |  |
|    | STIPULATION TO CONTINUE HEARING<br>DATE AND EXCLUDE TIME<br>No. CR 06-0074 RMW                     | 1      |                          |                                 |  |

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| 7  | IN THE UNITED STATES DISTRICT COURT   |  |  |  |  |  |
| 8  | FOR THE NORTHERN DISTRICT OF CALIFORNIA   |  |  |  |  |  |
| 9  | SAN JOSE DIVISION   |  |  |  |  |  |
| 10 | UNITED STATES OF AMERICA, ) No  | . CR 06-0074 RMW   |  |  |  |  |
| 11 | Plaintiff, OR   | DER CONTINUING ARING AND EXCLUDING TIME  |  |  |  |  |
| 12 | v. )  | ARING AND EACLODING TIME   |  |  |  |  |
| 13 | JAMES FITZGERALD,   |  |  |  |  |  |
| 14 | Defendant. )  |  |  |  |  |  |
| 15 | 15  |  |  |  |  |  |
| 16 | The parties have stipulated to continue the hearing date in this matter on grounds that the                                 |  |  |  |  |  |
| 17 |   | defense requires additional time for preparation and investigation, and is awaiting additional |  |  |  |  |
| 18 | information from the government. The parties request that the hearing be continued from May                                 |  |  |  |  |  |
| 19 | 15 to June 12, 2006, at 9:00 a.m.   | 15 to June 12, 2006, at 9:00 a.m.  |  |  |  |  |
| 20 | GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date in this matter is continued to June 12, 2006, at 9:00 a.m. |  |  |  |  |  |
| 21 |   |  |  |  |  |  |
| 22 |   | Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time            |  |  |  |  |
| 23 | from May 15, 2006 to June 12, 2006, be excluded from the period of time within which trial                                  |  |  |  |  |  |
| 24 | <b>■</b>  | must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.                             |  |  |  |  |
| 25 | IT IS SO ORDERED.   |  |  |  |  |  |
| 26 | Dated: 5/19/06 /s   | NALD M. WHYTE  |  |  |  |  |
|    |   | nited States District Judge  |  |  |  |  |
|    | ORDER CONTINUING HEARING No. CR 06-0074 RMW 2   |  |  |  |  |  |
|    |   |  |  |  |  |  |